

<b>APPLICATION NO.</b>	<a href="#">P17/S1319/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	18.5.2017
<b>PARISH</b>	SWYNCOMBE
<b>WARD MEMBER</b>	Anna Badcock
<b>APPLICANT</b>	Debrecq Developments Ltd
<b>SITE</b>	Marigay, Russells Water
<b>PROPOSAL</b>	Demolition of the existing dwelling and garage and erection of a replacement 5-bedroom two-storey dwelling and detached garage (application site area reduced to exclude part of access outside ownership, triangular dormer added to roof plans and tree protection extended as shown on corrected plans received 18th May 2017, and as amplified by amended Tree Protection Plan received 30 May 2017).
<b>OFFICER</b>	Paul Lucas

1.0 **INTRODUCTION**

1.1 Officers recommend that planning permission should be granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to Swyncombe Parish Council's and Pishill with Stonor Parish Council's objection to the current plans.

1.2 The application site is shown at **Appendix A**. The site lies adjacent to a ribbon of development along the main road through the settlement of Russell's Water, within the Chilterns AONB. Marigay is a single storey, dwelling constructed in brick and tile. A detached garage lies in front of the property, also constructed in brick and tile. The dwelling is set back from the road by about 65 metres. Marigay was constructed as a farm worker's dwelling and its original curtilage was about 1150 cubic metres in the centre of the site. The land between the dwelling and the road containing the driveway and areas of lawn and the open land to the north and west of the original curtilage are also included within the site area. The western part of the site, including the land on which the dwelling sits, slopes down to the western boundary before falling away more steeply to a valley to the west of the site. The site is partly adjoined by residential plots in the form of Whistling Cottage to the north and east and Russell's Water Farm to the south. The rear garden of Beech Barn has been extended to adjoin part of the northern boundary of the site. Part of the southern boundary is with a shared access serving Marigay, Russell's Water Farm and The Lookout, on the southern side of the access. The western boundary of the site is adjoined by agricultural land and there is common land on the opposite side of the road. There are no other special designations on the site.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the demolition of the existing dwelling and garage and erection of a replacement 5-bedroom dwelling and garage. The application was amended to make corrections to the site area, the roof plan and tree protection details, as shown on the current plans and supporting documents.

2.2 Copies of the current plans are provided at **Appendix B** whilst other documentation associated with the application can be viewed on the Council's website:  
<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P17/S1319/FUL>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Swyncombe Parish Council** – The application should be refused, due to the following grounds:

1. The proposed replacement dwelling is nearly 3 times the footprint of the existing bungalow and the site is outside the settlement area of Russells Water.
2. The ridge height of the proposed replacement dwelling is 2.4m higher than the existing building and given that the site is in a prominent and elevated position.
3. The size of this proposed replacement dwelling would not develop or conserve the AONB as it would be highly visible from a good distance given the site position.
4. The impact on Whistling Cottage is large given the size and height of the proposed replacement dwelling and the fact that it would have several large first floor windows overlooking the rear and gardens of Whistling Cottage. We find this unneighbourly.

**Pishill with Stonor Parish Council** – The application should be refused, due to the following grounds:

1. The proposed replacement dwelling is too large and domineering, being nearly three times the size of the existing and is against replacement dwelling policy.
2. The roof height is too high. Any new dwelling, in this location, should be kept as a single storey dwelling so that it does not dominate the landscape in the AONB.
3. The Parish Council has concerns regarding the proposed development overlooking neighbouring properties, in particular Whistling Cottage.

**South Oxfordshire District of CPRE** - The site occupies a prominent site in Russells Water and is clearly visible from the nearby footpath. The design of the proposed house incorporates large areas of glazing, especially to the rear which overlooks the valley. The glazing includes full height windows which will inevitably result in light pollution. Such extensive glazing is not typical of traditional Chiltern houses. The proposed house is unsympathetic to the landscape and does nothing to conserve or enhance the landscape of the Chilterns AONB. It will also have a harmful effect on wildlife because of the light pollution.

**Highways Liaison Officer (Oxfordshire County Council)** – No objection subject to conditions

**Countryside Officer (South Oxfordshire & Vale of White Horse)** - No objection subject to conditions

**Forestry Officer (South Oxfordshire District Council)** - No objection subject to conditions

**Neighbours** – Five representations of objection, summarised as follows:

- Materially greater increase in volume of original dwelling – 56%
- Footprint of original dwelling tripled
- Substantial increase in roof height from 5.1 to 7.5 metres
- Overall greater impact on AONB
- Visible from public footpath to north at distance of 150 metres
- Footprint of dwelling moved 2 metres closer to Whistling Cottage, resulting in overlooking and loss of privacy from first floor windows
- Light pollution from full height glazing resulting in harm to wildlife
- Not an affordable dwelling, needed in the village
- Extension of garden contrary to the SOLP 2011 Policy H18

- Fallback planning permission for extension to existing dwelling was objected to by local residents and parish councils, but not referred to planning committee

These representations can be read in full on the Council's website.

**4.0 RELEVANT PLANNING HISTORY**

- 4.1 [P16/S2816/FUL](#) - Refused (23/02/2017) – Appeal against refusal under consideration by the Planning Inspectorate

Demolition of existing dwelling and garage and erection of replacement 5-bedroom dwelling with detached double garage, and demolition of detached garage and erection of a detached 4-bedroom dwelling with integral garage incorporating shared vehicular access (additional information concerning commencement of development received 27th October 2016, access and parking arrangements revised as shown on amended plans received 28th November 2016 and amended tree protection details provided 20th December 2016 and updated bat survey received 5th January 2017).

- 4.2 Officers concluded that the proposed replacement dwelling, which is identical to that proposed under the current application would not result in significant harm to the village setting within the Chilterns AONB landscape and would not cause sufficient loss of residential amenity to warrant planning permission. However, planning permission was refused due to the impact of the proposed infill dwelling for the following reason: "The proposed infill dwelling would consolidate ribbon development along the road at the southern edge of the built up limits of Russells Water, increasing the urbanising influence of development in the locality and thereby failing to maintain a strong landscape edge to the settlement. As such, the proposed development would not conserve or enhance the landscape and scenic beauty of this part of the Chilterns AONB. The District does not have a 5 year housing supply, nonetheless, for the reasons set out the proposal would be environmentally unsustainable and therefore contrary to Paragraph 115 of the NPPF, the NPPG and Policies CSS1, CSR1 and CSEN1 of the South Oxfordshire Core Strategy, and Policies G2, C4 and H4 of the South Oxfordshire Local Plan 2011."

- 4.3 [P15/S4174/DIS](#) - Approved (06/01/2016)  
Discharge of condition 5 on P13/S0168/HH. (Proposed extensions and alterations. Erection of replacement garage and link).

- 4.4 [P13/S1858/FUL](#) - Refused (27/08/2014) - Appeal dismissed (24/09/2015)  
Demolition of existing dwelling and garage. Erection of replacement dwelling, detached three-bay garage and store, swimming pool, tennis court and pavilion and extension of domestic garden (footprint of dwelling and garage repositioned as shown by amended plans received 25th April 2014) (Outdoor areas separated into proposed extended garden area and future orchard/wild flower meadow, as shown on amended plans received 17th July 2014)

- 4.5 This application involved a replacement dwelling with a greater volume increase (280% larger than the existing dwelling and 39% larger than the extended dwelling) than that now proposed and also extended the footprint of the dwelling significantly to the north of the existing and approved footprint.

- 4.6 [P13/S0168/HH](#) - Approved (22/03/2013)  
Proposed extensions and alterations. Erection of replacement garage and link.

- 4.7 [P10/E1082/LD](#) - Approved (23/09/2010)  
Occupation of existing dwelling in breach of condition 5 of planning permission P66/H0698 (occupation by persons working in agriculture and their dependents)

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

- CS1 - Presumption in favour of sustainable development
- CSB1 - Conservation and improvement of biodiversity
- CSEN1 - Landscape protection
- CSM1 - Transport
- CSQ2 - Sustainable design and construction
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

- C4 - Landscape setting of settlements
- C6 - Maintain & enhance biodiversity
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- D1 - Principles of good design
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D10 - Waste Management
- EP3 - Adverse affect by external lighting
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- H12 - Replacement dwelling
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

5.3 Supplementary Planning Guidance/Documents

- South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 – Plots and Buildings
- South Oxfordshire Landscape Assessment – Character Area 9 Chilterns Ridges and Valleys
- Chilterns Buildings Design Guide – Chapter 3

5.4 National Planning Policy Framework (NPPF)

- National Planning Policy Framework Planning Practice Guidance (NPPG)
- The policies within the SOCS and the SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and NPPG and therefore this application can be determined against the relevant policies above.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's strategy for housing development in rural areas;
- entail a residential use that has been abandoned;
- involve demolition of an existing dwelling, which is listed, or of historic, visual or architectural interest;
- be materially greater in volume than the existing dwelling;
- result in the loss of an open space or view of public, environmental or ecological value;
- have an overall impact that would be greater than the existing dwelling and would be in keeping with the character and appearance of the surrounding area, bearing in mind its location within the Chilterns AONB

- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- provide adequate off-street parking spaces for the resultant dwelling and prevent any conditions prejudicial to highway safety; and
- give rise to any other material planning considerations.

6.2 Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the South Oxfordshire Core Strategy (SOCS), the saved policies of the South Oxfordshire Local Plan 2011 (SOLP 2011). Russells Water is identified as an “other” settlement in the Core Strategy, capable of accommodating infill residential development on sites up to 0.1 hectare in area. The replacement dwelling would not be located within a built up frontage and would not be closely surrounded by buildings, as there would only be dwellings on two sides, to the south and east. However, the SOLP 2011 Policy H12 allows for the replacement of existing dwellings in such locations, subject to several criteria being met.

6.3 Abandonment

The residential use of Marigay has not been abandoned, in compliance with Criterion (i) of the SOLP 2011 Policy H12.

6.4 Architectural Merit

The existing dwelling is not listed and has little architectural merit. As such, there is no objection in principle to the replacement of this dwelling on the site in accordance with Criterion (ii) of the SOLP 2011 Policy H12.

6.5 Volume

Criterion (iii) of the SOLP 2011 Policy H12 specifies a 10% volume increase limit for replacement dwellings. The supporting text of Policy H12 defines the term ‘not materially greater’ in relation to the replacement dwelling as not being more than 10% larger in volume than the existing dwelling plus any unused ‘permitted development’ rights. The proposed volume (1415 cubic metres) would result in a 177% increase in the volume of the existing dwelling (510.5 cubic metres). This would be considerably in excess of the 10% maximum increase set out in Policy H12.

6.6 However, officers have accepted that the extensions granted planning permission under P13/S0183/HH have been materially commenced. This follows an enforcement investigation. The information available suggests that a trench was dug on 11 March 2016 prior to the expiry of the planning permission P13/S0168/HH on 21 March 2016. Consequently, a material commencement of work has occurred and the extensions approved under that planning permission could be implemented at any point and provide a material planning consideration to be taken into account in the planning balance.

6.7 The replacement dwelling now proposed would have a volume only 1.87% larger than the volume of that extended dwelling (1389 cubic metres). Although the proposed replacement dwelling would be significantly greater in volume than criterion (iii) of Policy H12 would allow, on the basis of the volume of the fallback position, the proposal would result in a very limited further increase in volume. Consequently, the spirit of the volume criterion would be complied with and an exception to criterion (iii) can be made.

6.8 Visual Impact

Policy H12 requires that the overall impact of the development would not be any greater than the existing dwelling on the character and appearance of the site and the surrounding area. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 expand upon the requirement for good design. Policy CSEN1 of the SOCS explains that high priority will be given to conservation and enhancement of AONBs and planning decisions will have regard to their setting. Policy C4 aims to safeguard the landscape setting of the District's settlements. Paragraph 115 of the NPPF confirms that "great weight" should be given to conserving and enhancing the landscape and scenic beauty of the Chilterns AONB "which have the highest status of protection". This reinforces the statutory duty placed on the Council under Section 85 of the Countryside Rights of Way Act 2000.

6.9 It is clear that being located within an AONB does not preclude housing development, provided it is found to be sustainable and visually acceptable. In this location, the South Oxfordshire Landscape Assessment (SOLA) identifies the site as belonging to a "semi-enclosed dip slope" (with a "common or heath" on the opposite side of the road) where the enhancement strategy is to "conserve". These landscape types have a high scenic quality and strong sense of place with uncommon intrusive influences. As a result they have a moderate and high sensitivity to change, respectively, and the SOLA explains that the high quality of the semi-enclosed dip slope means that most forms of new development will potentially have an adverse impact on the Chilterns AONB. A particular objective is that special attention should be paid to creating strong landscape edges to settlements to reduce the urbanising influences of development on adjacent countryside.

6.10 The replacement dwelling would be noticeably higher than the existing dwelling. The ridge would be increased from 5.15 metres to 7 metres when measured from the ground level at the front and from 6 metres to 7.6 metres when measured from the ground level at the rear. However, the first floor accommodation would nonetheless be contained within the roof space. The footprint would be less sprawling than the approved extended dwelling ([P13/S0168/HH](#)) and also the replacement dwelling that was dismissed at appeal ([P13/S1858/FUL](#)). The main proposed external materials would be timber cladding and clay tiles. There is some variety in the external appearance of dwellings in the locality and, in particular, the replacement dwelling would have a similar appearance to the timber clad Beech Barn, to the north of the site. In views from the public footpath to the north, the replacement dwelling would be more noticeable than the existing bungalow due to its increase in height. However, officers consider that the eaves height on the northern elevation would not increase significantly (approximately 0.1 metre). This means that the majority of the perceived increase in height from public vantage points would be formed by roof tiles, which would have a more recessive impact than facing timber cladding, render or brickwork. The replacement dwelling would be largely seen against the backdrop of taller trees and Russells Water Farm to the south of the site. As such, the proposed replacement dwelling would not significantly break the skyline.

6.11 Furthermore, although located further west into the surrounding countryside, the recently redeveloped Beech Barn appears as a more dominant structure in these views, because it has a larger footprint and is positioned closer to the footpath. In spite of its exposed position, the replacement dwelling would therefore not have a significant impact on the landscape setting of Russells Water within the wider Chilterns AONB landscape. In relation to light pollution, officers consider that a planning condition can be imposed to require details of glass coating and internal blinds to be installed to minimise the impact of the proposal on the Chilterns AONB at night.

As such, officers consider that regardless of the conflict with criterion (iii) of the SOLP

6.12 2011 Policy H12, the proposed replacement dwelling would not harm the rural character and appearance of the site and its surroundings and therefore there would be insufficient justification to warrant refusal of planning permission on these grounds.

6.13 Residential Amenity Impact

Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. The footprint of the front of the replacement dwelling would be up to a maximum of 1.8 metres closer to the boundary with Whistling Cottage to the north-east. The replacement dwelling would introduce first floor windows to habitable rooms, where none currently exist, facing north-east towards Whistling Cottage. However, these would be about 14 metres from the closest part of the shared boundary and approximately 40 metres from the rear-facing windows of Whistling Cottage. Whilst these windows would be noticeable, the distances would be in excess of the minimum standards set out in Section 7 of the SODG 2016 (10 metres and 25 metres, respectively), leading officers to the conclusion that there would not be any significant loss of privacy to the adjoining occupiers. Similarly, these distances would prevent any loss of light or outlook from occurring above and beyond that which could be expected in rural villages. Unlike planning application [P13/S1858/FUL](#), the footprint would not extend further north into an area where the shared boundary is open. There is some semi-mature planting along the section of boundary in front of the proposed dwelling, which could be subject to a planning condition to require its retention or replacement indigenous planting to be provided to help filter the impact of the dwelling to reduce any perception of overlooking.

6.14 In respect of the relationship with Russells Water Farm, the replacement dwelling would incorporate a south-east facing dormer window serving a bedroom that would face towards this adjoining dwelling. However, this would be positioned over 10 metres from the boundary and 30 metres from the north-west facing windows of Russells Water Farm. Again, these distances would be sufficient to maintain privacy for the adjoining occupiers. As the proposed dwelling and its garage would be located to the north and set back from the boundary with scope for screen planting to be secured through the aforementioned landscaping condition, there would be no discernible loss of light or outlook. The garden size would comply with the 100 square metre minimum standard set out in Section 7 of the SODG 2016. On the basis of this assessment, the proposal would accord with the above policies.

6.15 Access and Parking

Policy T1 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. The Highway Liaison Officer has raised no objection to the application subject to the imposition of a highways-related planning condition. On this basis, the proposal would not give rise to conditions prejudicial to highway and pedestrian safety and would comply with the above policy.

6.16 Other Material Planning Considerations

Matters relating to bat protection and tree protection can be dealt with through pre-commencement conditions. As the proposal would involve no net gain in dwellings, the Council is unable to require the replacement of the existing market dwelling to be affordable. The application does not include any proposal to extend the established garden area of Marigay into the paddock. Should any application for such a proposal be submitted in the future, this would be subject to separate consideration under the SOLP 2011 Policy H18.

6.17 Community Infrastructure Levy

The proposed dwelling is liable for the Community Infrastructure Levy (CIL). The CIL charge applied to new residential development in this case is £150 per square metre (index linked). 15% of the CIL payment would go to Swyncombe and Pishill with Stonor Parish Councils in the absence of an adopted Neighbourhood Plan.

**7.0 CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would be acceptable in principle and would not materially harm the landscape setting of Christmas Common within this part of the Chilterns AONB or the living conditions of nearby residents or result in conditions prejudicial to highway safety.

**8.0 RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

1. **Commencement of development within three years.**
2. **Development to be in accordance with the approved plans.**
3. **Details of levels to be agreed prior to commencement of development.**
4. **Schedule of materials to be agreed prior to commencement of development.**
5. **Obscure glazing for triangular dormer window in south east elevation.**
6. **Rooflights facing south to have a specified cill level at least 1.7 metres above internal floor level.**
7. **Details of glass coating and external blinds for west facing elevation to be agreed prior to commencement.**
8. **Withdrawal of permitted development rights for extensions, outbuildings and hardstandings .**
9. **Parking and manoeuvring areas retained as on the approved plan.**
10. **Details of landscaping (planting/parking/boundary treatment) to be agreed prior to commencement of development.**
11. **Tree protection to be implemented as approved.**
12. **Details of bat mitigation strategy to be agreed prior to commencement of development.**
13. **Proof of bat license to be agreed prior to commencement of development.**
14. **Occupation and use of garage to be ancillary to main dwelling only.**
15. **Any external lighting details to be agreed prior to commencement of development.**

**Author:** Paul Lucas

**Email:** [Planning@southandvale.gov.uk](mailto:Planning@southandvale.gov.uk)

**Telephone:** 01235 422600